

Remarks

This paper is responsive to the Final Office Action mailed on January 23, 2008. Claims 1, 2, 4-7, 9-12 and 14-21 are pending in the application and stand rejected. Claims 1, 6, 11, and 16-21 are presently amended. For at least the reasons set forth below, Applicant respectfully asserts that the claims are in condition for allowance and requests favorable action and withdrawal of the rejections.

Applicant-Initiated Interview

As an initial matter, Applicant thanks Examiner for the Applicant-initiated telephonic interview on March 4, 2008 between Examiner Jonathan Ouellette and Applicant's representatives, Robert Hirning and Chris Hilberg. During the interview, participants discussed the limitation of clause (e) within exemplary Claim 1, and the 35 U.S.C. § 103 rejection based on Polk (U.S. Pat. No. 5,946,669). Although no agreement was reached as to the applicability of the *Polk* reference to the claimed limitation, Applicant has attempted to further distinguish from this cited reference through the amendments presented above.

Claim Rejections – 35 U.S.C. §103

In the Office Action, the Examiner rejected claims 1, 2, 4, 6, 7, 9, 11, 12 and 14-21 under 35 U.S.C. §103(a) as being unpatentable over Polk (U.S. Patent No. 5,946,669) in view of United States Code governing child support payments, particularly 42 U.S.C. §666(b) and 15 U.S.C. §1673(b); and claims 5, 10 and 15 under 35 U.S.C. §103(a) as being unpatentable over Polk in view of United States Code governing child support payments, particularly 42 U.S.C. §666(b) and 15 U.S.C. §1673(b), further in view of Single Parent Central (www.singleparentcentral.com, retrieved from www.archive.org).

Applicant respectfully submits the amended claims include limitations that are not taught or suggested by the cited reference, including the limitation of allowing the custodial parent to retrieve information on financial support payments. Applicant further submits that the Office Action fails to provide clear rationales to support a §103 rejection of this limitation. Accordingly, the amended claims would not be obvious to one of ordinary skill in the art, and the obviousness rejection under §103 should be withdrawn.

A. The Office Action Fails to Provide a Clear Rationale for the §103 Rejection of the “providing an interface configured to allow the custodial parent to retrieve information” Element.

As an initial matter, Applicant respectfully submits that the Office Action fails to provide clear explanation for the obviousness rejection of the limitations within clause (e) of Claims 1, 6, and 11, particularly why this feature would be obvious to one of ordinary skill in the art. The Office Action explicitly states in Paragraph 9 that “Polk fails to expressly disclose providing an interface configured to allow the custodial parent to retrieve information related to financial support payments and histories.” It then states in Paragraphs 10 and 24 that Polk discloses a different feature relating to tracking payment and disbursement information for different persons. The Office Action then concludes in Paragraphs 11 and 25 that “it would have been obvious to one of ordinary skill in the art ... to have included” the above-listed limitation.

It is unclear how this conclusion can be reached. The limitation discussed in Paragraphs 10 and 24 is admittedly different than the claimed limitation, and the Examiner has not alleged that *Polk* teaches or suggests the claimed limitation. Applicant respectfully requests that if the Examiner is attempting to take Official Notice of the state of the art, that Official Notice be expressly provided in an Office Action. Moreover, Applicant submits that it is unclear what rationale (if any) is being used to support the obviousness rejection for this limitation.

As stated in MPEP §2141(C)(III):

The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit . . . [stating that] “[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”

Applicant further submits that contrary to current MPEP Obviousness Guidelines, the Office Action does not set forth any articulated reasoning to support why the claimed limitation would be obvious to one of ordinary skill in the art. The apparent basis for the rejection of this limitation is not based on a combination of references, or a combination of a reference and Official Notice, but instead is directly establishing what would be obvious to one of ordinary skill in the art. Applicant submits that this finding is conclusory, and in compliance with MPEP §2141 and *KSR*, respectfully requests clear articulation of the finding of obviousness.

B. The *Polk* Reference Fails to Teach or Suggest Each and Every Limitation of the Presently Amended Claims

As provided above, Claims 1, 6, 11, and 16-21 are presently amended to clearly enumerate a “financial support payment” and a “plurality of historical financial support payments.” Specifically, independent Claims 1, 6, and 11 are presently amended to now recite that an interface is configured to allow the custodial parent to retrieve tracking information for:

the financial support payment and a plurality of historical financial support payments previously scheduled to the custodial parent, said tracking information including payment status, payment amount due, payment amount received, payment date, payment receipt date, payment sent date, payment available withdrawal date, and payment case number, said tracking information further including reasons why a scheduled financial support payment was not dispersed if the scheduled financial support payment has not been received by the custodial parent.

As recited, this feature not only allows information for the current support payment to be displayed, but also information for a plurality of previously scheduled historical payments. Applicant submits that *Polk* does not teach or suggest the ability to track a plurality of previously scheduled historical payments, or each of the payment information variables as recited, via an interface accessible by the custodial parent.

Additionally, the *Polk* reference does not teach or suggest the ability to provide “reasons why a scheduled financial support payment was not dispersed.” Even under a broad reading of this reference, the system disclosed in *Polk* contains information only for payments that have been transferred, i.e., have been paid, from the non-custodial parent’s employer to the custodial parent. This is because the *Polk* system only discloses a payment processing system, and not a framework to directly facilitate child support-related communications between employers, custodial parents, and non-custodial parents as is claimed in the present invention.

Therefore, the system in *Polk* is not and cannot be made aware of scheduled payments or missed payments unless first processed. *Polk* similarly cannot provide information or reasons why payments have not been paid. The claimed invention recites tracking and communicating information not only for paid payments and historical payments, but also unpaid scheduled payments. These claimed features are not taught or suggested by the cited references, and accordingly, a prima facie case of obviousness has not been established for the amended claims.

C. The Cited Reference Fails To Disclose Providing an Interface Configured to Allow the Custodial Parent to Retrieve Any Information on Financial Support Payments

Further concerning limitation (e) of the dependent claims, Applicant also submits that the Office Action's conclusion in Paragraph 24 that "saved information is available to a recipient terminal" is inconsistent with the teaching expressly disclosed within *Polk*. Moreover, Applicant submits that a plain reading of the *Polk* reference actually teaches away from providing an interface to the custodial parent to access information for the child support payments.

The Examiner has directed the Applicant's attention to Cols. 9-10 of *Polk*, particularly Col. 10, lines 33-46, to purportedly show that an "intermediary/recipient" has access to payment information in a terminal. A clear reading of this paragraph in the context of the entire reference indicates otherwise. Particularly, the Office Action has alleged that "recipient is equivalent to the custodial parent in the prior art of *Polk*." However, this section states that:

FIG. 7 illustrates one embodiment of intermediary/recipient 250 used in system 200 shown in FIG. 2. Intermediary/recipient 250 preferably comprises intermediary/recipient terminal 700 equipped with conventional hardware including CPU 710, RAM 712, display memory 714...

As is disclosed by this section, the "intermediary/recipient" used throughout *Polk* comprises a CPU, RAM, display, etc., and is clearly a computer system, not a person. Further, the latter portion of this paragraph states that "external device 750 or optional network interface 760 allows connectivity of intermediary/recipient terminal 700 to external computers or networks." The plain meaning of this paragraph merely provides that the intermediary/recipient computer terminal may be connected to an external device or network to allow communication to external computing devices. Providing a network connection or a simple external display for a financial processing system is not what is being claimed in the present invention, and accordingly, the reference not teach or suggest the claimed limitation of "providing an interface configured to allow the custodial parent to retrieve tracking information for the financial support payment and a plurality of historical financial support payments."

Further, there are numerous references throughout the *Polk* reference to a "custodial parent" and "non-custodial parent" when referring to the actual person of the custodial parent. E.g., Col 7, line 33, and Col. 8, lines 39, 50, 53. More noticeably, Col. 8, lines 26-27 states that payments are completed "for the benefit of recipient 330, or custodial parent 480". (Emphasis

added) In this context, the custodial parent is a separate entity from the recipient, further demonstrating that the “intermediary/recipient” is, at most, merely a computer system capable of processing a received payment for a custodial parent.

Even if the intermediary/recipient term in *Polk* is broadly read to include a custodial parent’s financial account, it would not be provident to provide a custodial parent with access to the extensive financial information disclosed in *Polk* as being provided to an “intermediary/recipient”. The data records shown throughout FIGS. 8A-9B utilized by an “intermediary/recipient” include a number of data fields which would only be relevant and useful for a financial processing entity. Allowing unfettered access to this detailed financial transfer information would present a large security risk, and presumably no bank or financial processor would allow any external person, much less an adverse custodial parent, to obtain all of this data under a standard financial industry data security policy.

At most, the *Polk* disclosure suggests that an intermediary or recipient processor may receive the financial information depicted in FIGS. 8A-9B. Indeed, the processor must receive information about the payment in order to later disperse it to the custodial parent. However, the simple receipt of information by an intermediary or its computer system still does not teach or suggest the claimed limitation of “providing an interface configured to allow the custodial parent to retrieve tracking information” for the child support payments.

Accordingly, because each and every limitation of the amended claims is neither taught nor suggested by the cited references, a prima facie case of obviousness has not been established and the rejected claims are allowable. Further, because claims 2, 4-5, 7, 9-10, 12, and 14-21 depend either directly or indirectly from independent claims 1, 6, and 11, these dependent claims are also allowable as depending from allowable claims. Applicant respectfully requests that the rejection of all claims under § 103(a) be withdrawn.

CONCLUSION

Applicant submits that all pending claims are in condition for allowance and respectfully requests that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at 612-607-7345. If any fees are due in connection with the filing of this paper, then the

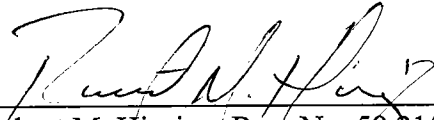
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Commissioner is authorized to charge such fees (including fees for any extension of time), to
Deposit Account No. 50-1901 (Docket 060021-359701).

Respectfully submitted,



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